

**ENTERED**

September 17, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JOSEPH KEITH PAYNE

VS

COUNTY OF HARRIS, *et al*§  
§  
§  
§  
§

CIVIL ACTION NO. H-23-3067

**ORDER ADOPTING MEMORANDUM AND ORDER**

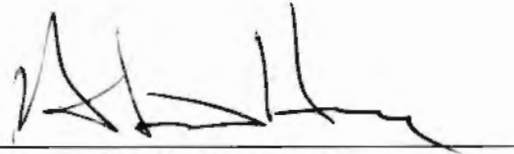
Pending before the Court in the above referenced proceeding is the City's Motion to Dismiss (Doc. No. 14), Newton and Harvey's Motion to Dismiss (Doc. No. 15), Harris County, Ogg and the Harris County DA's Office's Motion to Dismiss (Doc. No. 17), to which Defendant filed responses (Doc. Nos. 19, 20, 21), reply (Doc. No. 22); and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 41). None of the parties filed objections and the time for doing so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusions. It is hereby

**ORDERED** that the Memorandum and Recommendation (Doc. No. 41) is **ADOPTED**. The City's Motion to Dismiss (Doc. No. 14) is **GRANTED**; Newton and Harvey's Motion to Dismiss (Doc. No. 15) is **GRANTED**; and Harris County, Ogg and the Harris County DA's Office's Motion to Dismiss (Doc. No. 17) is **GRANTED**. It is further

**ORDERED** that Plaintiff's claims against the City, the Houston Police Department, Newton, Harvey, Harris County, Ogg and the Harris County DA's Office are **DISMISSED WITH PREJUDICE**.

SIGNED this 11<sup>th</sup> day of September 2024.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE